

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 17, 2012

HOUSE FILE 2289

H-8024

1 Amend House File 2289 as follows:
2 1. Page 2, after line 7 by inserting:
3 <Sec. _____. Section 68B.39, Code 2011, is amended to
4 read as follows:
5 68B.39 Supreme court rules.
6 1. The supreme court of this state shall prescribe
7 rules establishing a code of ethics for officials and
8 employees of the judicial branch of this state, and
9 the immediate family members of the officials and
10 employees. Rules prescribed under this paragraph
11 shall include provisions relating to the receipt or
12 acceptance of gifts and honoraria, interests in public
13 contracts, services against the state, and financial
14 disclosure which are substantially similar to the
15 requirements of this chapter. The rules shall not
16 require disclosure of certified shorthand reporter
17 compensation authorized pursuant to section 602.3202.
18 2. The supreme court of this state shall also
19 prescribe rules which relate to activities by officials
20 and employees of the judicial branch which constitute
21 conflicts of interest.
22 Sec. _____. Section 232.41, Code 2011, is amended to
23 read as follows:
24 232.41 ~~Reporter~~ Certified shorthand reporter
25 required.
26 ~~Stenographic notes or mechanical or electronic~~
27 ~~recordings shall be taken~~ A certified shorthand
28 reporter shall take stenographic notes of all court
29 hearings held pursuant to this division unless waived
30 by the parties. The child shall not be competent to
31 waive the reporting requirement, but waiver may be
32 made for the child by the child's counsel or guardian
33 ad litem. Matters which must be reported under the
34 provisions of this section shall be reported in the
35 same manner as required in section 624.9.
36 Sec. _____. Section 232.94, Code 2011, is amended to
37 read as follows:
38 232.94 ~~Reporter~~ Certified shorthand reporter
39 required.
40 ~~Stenographic notes or electronic or mechanical~~
41 ~~recordings shall be taken~~ A certified shorthand
42 reporter shall take stenographic notes of all court
43 hearings held pursuant to this division unless waived
44 by the parties. The child shall not be competent to
45 waive the reporting requirement, but waiver may be
46 made for the child by the child's counsel or guardian
47 ad litem. Matters which must be reported under the
48 provisions of this section shall be reported in the
49 same manner as required in section 624.9.
50 Sec. _____. Section 232.115, Code 2011, is amended to

1 read as follows:

2 232.115 ~~Reporter~~ Certified shorthand reporter
3 required.

4 ~~Stenographic notes or electronic or mechanical~~
5 ~~recordings shall be taken~~ A certified shorthand
6 reporter shall take stenographic notes of all court
7 hearings held pursuant to this division unless waived
8 by the parties. The child shall not be competent to
9 waive the reporting requirement, but waiver may be
10 made for the child by the child's counsel or guardian
11 ad litem. Matters which must be reported under the
12 provisions of this section shall be reported in the
13 same manner as required in section 624.9.

14 Sec. _____. Section 602.1102, subsection 6, Code
15 2011, is amended to read as follows:

16 6. ~~Court~~ Appointed certified shorthand reporters.

17 Sec. _____. Section 602.1214, subsection 4, Code
18 2011, is amended to read as follows:

19 4. The district court administrator shall employ
20 and supervise all employees of the district court
21 except ~~court~~ certified shorthand reporters, clerks of
22 the district court, employees of the clerks of the
23 district court, juvenile court officers, and employees
24 of juvenile court officers.

25 Sec. _____. NEW SECTION. 602.1219 Civil trial ----
26 proper jurisdiction.

27 A civil jury trial shall be held in a county with
28 proper jurisdiction over the proceeding, unless there
29 are grounds for a change of venue. Venue for a civil
30 jury trial shall not be determined based upon the
31 residency of the judicial officer presiding over the
32 trial.

33 Sec. _____. Section 602.1301, subsection 2, paragraph
34 a, subparagraph (6), Code 2011, is amended to read as
35 follows:

36 (6) ~~Court~~ certified shorthand reporters.

37 Sec. _____. Section 602.1502, subsections 2 and 3,
38 Code 2011, are amended to read as follows:

39 2. ~~Court~~ Certified shorthand reporters who are
40 employed on an emergency basis in the district court
41 shall be paid not more than their usual and customary
42 fees, while employed by the court. Payments shall be
43 made at least once each month.

44 3. ~~Court~~ Certified shorthand reporters shall be
45 paid compensation for transcribing their notes as
46 provided in section 602.3202, but shall not work on
47 outside depositions during the hours for which they are
48 compensated as a court employee.

49 Sec. _____. Section 602.1612, subsection 4, Code
50 2011, is amended to read as follows:

1 4. A retired justice or judge may be authorized by
2 the order of assignment to appoint a temporary ~~court~~
3 certified shorthand reporter, who shall receive the
4 compensation and expense reimbursement provided by law
5 for a regular ~~court~~ certified shorthand reporter in the
6 court to which the justice or judge is assigned.

7 Sec. _____. Section 602.2104, subsection 2, Code
8 2011, is amended to read as follows:

9 2. In case of a hearing before the commission,
10 written notice of the charge and of the time and place
11 of hearing shall be mailed to a judicial officer or
12 an employee of the judicial branch at the person's
13 residence at least twenty days prior to the time set
14 for hearing. Hearing shall be held in the county where
15 the judicial officer or employee of the judicial branch
16 resides unless the commission and the judicial officer
17 or employee of the judicial branch agree to a different
18 location. The judicial officer shall continue to
19 perform judicial duties during the pendency of the
20 charge and the employee shall continue to perform the
21 employee's assigned duties, unless otherwise ordered by
22 the commission. The attorney general shall prosecute
23 the charge before the commission on behalf of the
24 state. A judicial officer or employee of the judicial
25 branch may defend and has the right to participate
26 in person and by counsel, to cross-examine, to be
27 confronted by the witnesses, and to present evidence
28 in accordance with the rules of civil procedure. A
29 complete record shall be made of the evidence by a
30 ~~court~~ certified shorthand reporter. In accordance with
31 its findings on the evidence, the commission shall
32 dismiss the charge or make application to the supreme
33 court to retire, discipline, or remove the judicial
34 officer or to discipline or remove an employee of the
35 judicial branch.

36 Sec. _____. Section 602.3201, Code 2011, is amended
37 to read as follows:

38 602.3201 Requirement of certification ---- use of
39 title.

40 A person shall not engage in the profession of
41 shorthand reporting unless the person is certified
42 pursuant to this chapter, or otherwise exempted
43 pursuant to section 602.6603, subsection 4 6. Only
44 a person who is certified by the board may assume
45 the title of certified shorthand reporter, or use the
46 abbreviation C.S.R., or any words, letters, or figures
47 to indicate that the person is a certified shorthand
48 reporter.

49 Sec. _____. Section 602.3202, Code 2011, is amended
50 to read as follows:

1 602.3202 Transcript fee.

2 1. Certified shorthand reporters are entitled to
3 receive compensation for transcribing their official
4 notes as set by rule of the supreme court, to be
5 paid for in all cases by the party ordering the
6 transcription.

7 2. This section shall not be used to offset or
8 reduce the compensation paid to a certified shorthand
9 reporter as a court employee and any effort to
10 confiscate compensation received for transcribing a
11 certified shorthand reporter's official notes pursuant
12 to this section shall be considered a taking.

13 Sec. _____. NEW SECTION. 602.3204 Transcription
14 delay ---- unpaid leave.

15 A party to an appeal may petition the supreme court
16 requesting the court find that an unreasonable delay in
17 the preparation of the appeal transcript has occurred.
18 Upon a finding that an unreasonable delay has occurred
19 the court may place the appointed certified shorthand
20 reporter on unpaid leave until the transcript is
21 completed.

22 Sec. _____. NEW SECTION. 602.3205 Certified
23 shorthand reporter liaison duties.

24 1. The appointed certified shorthand reporters in
25 each judicial district shall designate an appointed
26 certified shorthand reporter in the judicial district
27 to act as a liaison with the clerk of the supreme court
28 to ensure appeal transcripts from the judicial district
29 are handled in a timely manner.

30 2. If an appointed certified shorthand reporter is
31 placed on unpaid leave pursuant to section 602.3204,
32 the certified shorthand reporter liaison or the
33 liaison's designee for the judicial district shall
34 reassign the remaining appointed certified shorthand
35 reporters within the judicial district to ensure that
36 any proceeding requiring a stenographic record is
37 recorded.

38 Sec. _____. Section 602.6603, Code 2011, is amended
39 to read as follows:

40 602.6603 ~~Court reporters~~ Appointment of certified
41 shorthand and uncertified shorthand reporters and
42 duties.

43 1. Each district judge shall appoint a ~~court~~
44 certified shorthand reporter who shall, upon the
45 request of a party in a civil or criminal case, report
46 the evidence and proceedings in the case, and perform
47 all duties as provided by law.

48 2. Each district associate judge may appoint a
49 ~~court~~ certified shorthand reporter, subject to the
50 approval of the chief judge of the judicial district.

1 The chief judge of each judicial district shall
2 calculate the certified shorthand reporter-to-district
3 associate judge ratio in the judicial district as of
4 January 1, 2009. Any subsequent calculation of the
5 certified shorthand reporter-to-district associate
6 judge ratio in the judicial district shall not fall
7 below the ratio that existed on January 1, 2009.

8 Certified shorthand reporters appointed by a district
9 judge or otherwise assigned to a district judge shall
10 not be included in the calculation of the ratio under
11 this subsection.

12 3. A district associate judge shall use a certified
13 shorthand reporter, upon the request of a party, for
14 all criminal trials or hearings, juvenile proceedings,
15 and in civil cases where the amount in controversy
16 exceeds the small claims jurisdictional amount pursuant
17 to section 631.1.

18 4. An appointed certified shorthand reporter not
19 presently involved with reporting the evidence and
20 proceedings in a case with a judge may be reassigned to
21 other judicial branch duties as specified by the chief
22 judge or certified shorthand reporter liaison pursuant
23 to section 602.3205.

24 3- 5. If a chief judge of a judicial district
25 determines that it is necessary to employ an additional
26 ~~court~~ certified shorthand reporter because of an
27 extraordinary volume of work, or because of the
28 temporary illness or incapacity of a regular ~~court~~
29 certified shorthand reporter, the chief judge may
30 appoint a temporary ~~court~~ certified shorthand reporter
31 who shall serve as required by the chief judge.

32 4- 6. If a regularly appointed ~~court~~ certified
33 shorthand reporter becomes disabled, or if a vacancy
34 occurs in a regularly appointed ~~court~~ certified
35 shorthand reporter position, and notwithstanding
36 any other provision of the law to the contrary, the
37 judge may appoint a competent uncertified shorthand
38 reporter for a period of time of up to six months,
39 upon verification by the chief judge that a diligent
40 but unsuccessful search has been conducted to appoint
41 a certified shorthand reporter to the position and,
42 in a disability case, that the regularly appointed
43 ~~court~~ certified shorthand reporter is disabled. An
44 uncertified shorthand reporter shall not be reappointed
45 to the position unless the reporter becomes a certified
46 shorthand reporter within the period of appointment
47 under this subsection. If an uncertified shorthand
48 reporter is appointed pursuant to this subsection, the
49 uncertified shorthand reporter shall be treated as a
50 certified shorthand reporter for all purposes including

1 oaths, fees, and other official duties.

2 7. If a reassignment occurs pursuant to section
3 602.3205 and a proceeding requiring a stenographic
4 record is unable to be recorded, the chief judge,
5 notwithstanding any other provision of the law to the
6 contrary, may contract with a certified or uncertified
7 shorthand reporter who has not been appointed as a
8 shorthand reporter for the judicial branch to ensure
9 that any proceeding requiring a stenographic record
10 is recorded. If an uncertified shorthand reporter is
11 appointed pursuant to this subsection, the uncertified
12 shorthand reporter shall be treated as a certified
13 shorthand reporter for all purposes including oaths,
14 fees, and other official duties.

15 ~~5.~~ 8. Except as provided in ~~subsection 4~~
16 ~~subsections 6 and 7~~, a person shall not be appointed to
17 the position of ~~court~~ certified shorthand reporter of
18 the district court unless the person has been certified
19 as a shorthand reporter by the board of examiners under
20 article 3.

21 ~~6.~~ 9. Each ~~court~~ certified shorthand reporter
22 shall take an oath faithfully to perform the duties of
23 office, which shall be filed in the office of the clerk
24 of district court.

25 ~~7.~~ 10. A ~~court~~ certified shorthand reporter may
26 be removed for cause with due process by the judicial
27 officer making the appointment.

28 ~~8.~~ 11. If a judge dies, resigns, retires, is
29 removed from office, becomes disabled, or fails to be
30 retained in office and the judicial vacancy is eligible
31 to be filled, the ~~court~~ certified shorthand reporter
32 appointed by the judge shall serve as a ~~court~~ certified
33 shorthand reporter, as directed by the chief judge
34 or the chief judge's designee, until the successor
35 judge appoints a successor ~~court~~ certified shorthand
36 reporter. The ~~court~~ certified shorthand reporter shall
37 receive the reporter's regular salary and benefits
38 during the period of time until a successor ~~court~~
39 certified shorthand reporter is appointed or until the
40 currently appointed ~~court~~ certified shorthand reporter
41 is reappointed.>

42 2. Page 2, after line 26 by inserting:

43 <Sec. _____. Section 602.8102, subsection 99, Code
44 2011, is amended to read as follows:

45 99. Collect jury fees and ~~court~~ certified shorthand
46 reporter fees as required by chapter 625.

47 Sec. _____. Section 602.8103, subsection 4,
48 paragraphs g, h, and j, Code 2011, are amended to read
49 as follows:

50 g. ~~Court~~ Certified shorthand reporters' notes and

1 certified transcripts of those notes in civil cases,
2 ten years after final disposition of the case. For
3 purposes of this section, "final disposition" means one
4 year after dismissal of the case, after judgment or
5 decree without appeal, or after procedendo or dismissal
6 of appeal is filed in cases where appeal is taken.

7 h. ~~Court~~ Certified shorthand reporters' notes and
8 certified transcripts of those notes in criminal cases,
9 ten years after dismissal of all charges, or ten years
10 after the expiration of all sentences imposed or the
11 date probation is granted, whichever later occurs. For
12 purposes of this subsection, "sentences imposed" include
13 all sentencing options pursuant to section 901.5.

14 j. ~~Court~~ Certified shorthand reporters' notes
15 and certified transcripts of those notes in mental
16 health hearings under section 229.12 and substance
17 abuse hearings under section 125.82, ninety days after
18 the respondent has been discharged from involuntary
19 custody.

20 Sec. _____. Section 602.9206, unnumbered paragraph 1,
21 Code 2011, is amended to read as follows:

22 Section 602.1612 does not apply to a senior judge
23 but does apply to a retired senior judge. During the
24 tenure of a senior judge, if the judge is able to
25 serve, the judge may be assigned by the supreme court
26 to temporary judicial duties on courts of this state
27 without salary for an aggregate of thirteen weeks out
28 of each twelve-month period, and for additional weeks
29 with the judge's consent. A senior judge shall not be
30 assigned to judicial duties on the supreme court unless
31 the judge has been appointed to serve on the supreme
32 court prior to retirement. While serving on temporary
33 assignment, a senior judge has and may exercise all
34 of the authority of the office to which the judge is
35 assigned, shall continue to be paid the judge's annuity
36 as senior judge, shall be reimbursed for the judge's
37 actual expenses to the extent expenses of a district
38 judge are reimbursable under section 602.1509, may, if
39 permitted by the assignment order, appoint a temporary
40 ~~court~~ certified shorthand reporter, who shall be paid
41 the remuneration and reimbursement for actual expenses
42 provided by law for a reporter in the court to which
43 the senior judge is assigned, and, if assigned to
44 the court of appeals or the supreme court, shall be
45 given the assistance of a law clerk and a secretary
46 designated by the court administrator of the judicial
47 branch from the court administrator's staff. Each
48 order of temporary assignment shall be filed with the
49 clerks of court at the places where the senior judge
50 is to serve.

1 Sec. _____. Section 622.53, Code 2011, is amended to
2 read as follows:

3 622.53 Judicial record ---- state or federal courts.

4 A judicial record of this state, including the
5 filed certified shorthand notes of the official ~~court~~
6 certified shorthand reporter as transcribed or of
7 a court of the United States may be proved by the
8 production of the original judicial record, or a
9 copy of ~~it~~ the original judicial record certified by
10 the clerk or person having the legal custody of ~~it~~
11 the original judicial record, authenticated by the
12 custodian's seal of office, if there is a seal. That
13 of another state may be proved by the attestation
14 of the clerk and the seal of the court annexed, if
15 there is a seal, together with a certificate of a
16 judge, chief justice, or presiding magistrate that the
17 attestation is in due form of law.

18 Sec. _____. Section 624.9, Code 2011, is amended to
19 read as follows:

20 624.9 Detailed report of trial.

21 In all appealable actions triable by ordinary or
22 equitable proceedings, any party thereto shall be
23 entitled to have reported the whole proceedings upon
24 the trial or hearing, and the court shall direct ~~the~~
25 a certified shorthand reporter to make such report
26 in writing, ~~or~~ shorthand, or by stenographic means
27 which shall contain the date of the commencement of
28 the trial, the proceedings impaneling the jury, and
29 any objections thereto with the rulings thereon, the
30 oral testimony at length, and all offers thereof,
31 all objections thereto, the rulings thereon, the
32 identification as exhibits, by letter or number
33 or other appropriate mark, of all written or other
34 evidence offered, and by sufficient reference thereto,
35 made in the report, to make certain the object or
36 thing offered, all objections to such evidence and the
37 rulings thereon, all motions or other pleas orally made
38 and the rulings thereon, the fact that the testimony
39 was closed, the portions of arguments objected to, when
40 so ordered by the court, all objections thereto with
41 the rulings thereon, all oral comments or statements
42 of the court during the progress of the trial, and
43 any exceptions taken thereto, the fact that the
44 jury is instructed, all objections and exceptions to
45 instructions given by the court on its own motion, the
46 fact that the case is given to the jury, the return
47 of the verdict and action thereon of whatever kind,
48 and any other proceedings before the court or jury
49 which might be preserved and made of record by bill of
50 exceptions, and shall note that exception was saved by

1 the party adversely affected to every ruling made by
2 the court.

3 Sec. _____. Section 625.8, subsection 2, Code 2011,
4 is amended to read as follows:

5 2. The clerk of the district court shall tax as
6 a court cost a fee of forty dollars per day for the
7 services of a ~~court~~ certified shorthand reporter.

8 Sec. _____. Section 631.11, subsection 3, Code 2011,
9 is amended to read as follows:

10 3. Record. Upon the trial, the judicial magistrate
11 shall make detailed minutes of the testimony of each
12 witness and append the exhibits or copies thereof to
13 the record. The proceedings upon trial shall not be
14 reported by a certified ~~court~~ certified shorthand
15 reporter, unless the party provides the reporter at
16 such party's expense. If the proceedings are not
17 reported by a certified ~~court~~ certified shorthand
18 reporter, the magistrate shall cause the proceedings
19 upon trial to be recorded electronically, and both
20 parties shall be notified in advance of that recording.
21 If the proceedings have been recorded electronically,
22 the recording shall be retained under the jurisdiction
23 of the magistrate unless appealed, and upon appeal
24 shall be transcribed only by a person designated by the
25 court under the supervision of the magistrate.

26 Sec. _____. Section 631.13, subsection 4, paragraph
27 a, unnumbered paragraph 2, Code 2011, is amended to
28 read as follows:

29 If the record, in the opinion of the deciding judge,
30 is inadequate for the purpose of rendering a judgment
31 on appeal, the judge may order that additional evidence
32 be presented relative to one or more issues, and may
33 enter any other order which is necessary to protect the
34 rights of the parties. The judge shall take minutes of
35 any additional evidence, but the hearing shall not be
36 reported by a certified ~~court~~ shorthand reporter.

37 Sec. _____. Section 908.2, subsection 2, Code 2011,
38 is amended to read as follows:

39 2. The magistrate may order the alleged parole
40 violator confined in the county jail or may order
41 the alleged parole violator released on bail under
42 terms and conditions as the magistrate may require.
43 Admittance to bail is discretionary with the magistrate
44 and is not a matter of right. A person for whom bail
45 is set may make application for amendment of bail to
46 a district judge or district associate judge having
47 jurisdiction to amend the order. The motion shall
48 be promptly set for hearing and a stenographic record
49 shall be made of the hearing.>

50 3. Title page, by striking lines 1 and 2 and

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1 inserting <An Act relating to the nomination and
2 appointment of certain judicial officers, the use of
3 court reporters, and the location of jury trials.>

By KAUFMANN of Cedar

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